

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|--|---|----------------------|
| HILTI AKTIENGESELLSCHAFT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 22-1248-CJB |
| v. |) | |
| |) | |
| SPECIFIED TECHNOLOGIES INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |
| <hr style="border: 0.5px solid black; margin-top: 10px;"/> | | |

**HILTI AKTIENGESELLSCHAFT’S UNOPPOSED MOTION
FOR LEAVE TO AMEND ITS INFRINGEMENT CONTENTIONS**

Pursuant to paragraph 7 of the Scheduling Order (D.I. 35), Plaintiff and Counterclaim-Defendant Hilti Aktiengesellschaft (“Hilti”) hereby respectfully moves for leave to amend its Statement of Asserted Claims and Infringement Contentions (“Infringement Contentions”). Defendant and Counterclaim-Plaintiff Specified Technologies Inc. (“STI”) has stated that it will not oppose this Motion. In support of its Motion, Hilti states the following:

1. On March 17, 2023, Hilti served its Infringement Contentions pursuant to paragraph 3 of the Scheduling Order, as well as its accompanying document production pursuant to paragraph 4 of the Scheduling Order.

2. Per paragraph 3(H) of the Scheduling Order, in Section I.G of its Infringement Contentions, Hilti identified Embodying Instrumentalities that practice the asserted patents.

3. For U.S. Patent Nos. 10,267,036 (the “’036 Patent”) and 10,774,528 (the “’528 Patent”), the Embodying Instrumentalities included the following products: CS-TTS SA 358/600.

4. In preparing supplemental responses to STI’s interrogatories, which were served on July 17, 2023, Hilti realized that a product was mistakenly included as an Embodying Instrumentality due to a clerical error. In particular, the Embodying Instrumentality listed as “CS-TTS SA 358/600” should have been listed as “CS-TTS SA 600.” *See* Exhibit A (excerpt of relevant page of Supplemental Infringement Contentions); Exhibit B (excerpt of relevant pages of redline).

5. Pursuant to paragraph 7 of the Scheduling Order, a party may amend its Infringement Contentions “only by order of the Court upon a timely showing of good cause.” D.I. 35 at ¶ 7. Good cause exists for Hilti’s requested amendment. On the same day that Hilti served its supplemental responses, Hilti also alerted STI to the clerical error regarding the listing of Embodying Instrumentalities.

6. The purpose of this requested amendment is to bring Hilti’s Infringement Contentions into compliance with paragraphs 3 and 4 of the Scheduling Order.

WHEREFORE, for the foregoing reasons, Hilti respectfully requests that the Court grant its Unopposed Motion for Leave to Amend Its Infringement Contentions.

Dated: July 26, 2023

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

Of Counsel:

GARDELLA GRACE P.A.

W. Cook Alciati
(admitted *pro hac vice*)
80 M Street SE, 1st Floor
Washington D.C. 20003
(703) 721-8379
calciati@gardellagrace.com

Michael A. Dorfman
(admitted *pro hac vice*)
2502 North Clark Street, Suite 222
Chicago, IL 60614
(773) 755-4942
mdorfman@gardellagrace.com

/s/ *Pilar G. Kraman*

Pilar G. Kraman (No. 5199)
Alexis N. Stombaugh (No. 6702)
Rodney Square
1000 North King Street
Wilmington, DE 19801
(302) 571-6600
pkraman@ycst.com
astombaugh@ycst.com

Attorneys for Hilti Aktiengesellschaft

SO ORDERED, this ___ day of July, 2023.

The Honorable Christopher J. Burke

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 26, 2023, a copy of the foregoing document was served on the counsel listed below in the manner indicated:

BY EMAIL

Austen C. Endersby
FOX ROTHSCHILD LLP
919 N. Market Street, Suite 300
Wilmington, DE 19801
- and -
2020 K Street, Suite 500
Washington, DC 20006
aendersby@foxrothschild.com

*Attorneys for Defendant
Specified Technologies Inc.*

Jeff E. Schwartz
FOX ROTHSCHILD LLP
2020 K Street, N.W., Suite 500
Washington, D.C. 20006
JESchwartz@FoxRothschild.com

Howard S. Suh
FOX ROTHSCHILD LLP
101 Park Avenue, 17th Floor
New York, New York 10178
HSuh@foxrothschild.com

Paul W. Kalish
FOX ROTHSCHILD LLP
Princeton Pike Corporate Center
997 Lenox Drive
Lawrenceville, New Jersey 08648-2311
PKalish@FoxRothschild.com

Dated: July 26, 2023

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

/s/ Pilar G. Kraman
Pilar G. Kraman (No. 5199)
Alexis N. Stombaugh (No. 6702)
Rodney Square
1000 North King Street

Wilmington, DE 19801
(302) 571-6600
pkraman@ycst.com
astombaugh@ycst.com

*Attorneys for Hilti
Aktiengesellschaft*